

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

MEETING MINUTES

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Arizona Department of Transportation, Board Room 145-147, 206 South 17th Avenue, Phoenix, Arizona on May 18, 2004 with Dwight Amery presiding.

Members Present:

Dwight Amery, Member-at-Large
Terry Rainey, Maricopa County District 1
Jim Lykins, Maricopa County District 2
Ron Gawlitta, Maricopa County District 3
Benjamin M. Bethel, Maricopa County District 5

Members Absent:

Roc Arnett, Chairperson
Paul Schwartz, Maricopa County District 4

Others Present:

Elizabeth Neville, ADOT	Sandra Quijada, ADOT
Bill Hayden, ADOT	Dan Lance, ADOT
Kwi-Sung Kang, ADOT	Christ Dimitroplos, ADOT
Perry Powell, ADOT	Cheryl Banta, ADOT
Bob Gasser, ADOT	William "Blue" Crowley, Citizen
Dale Buskirk, ADOT	Ed Johnson, Citizen
Joe Ryan, Citizen	Diane Barker, DTeam Citizens
Chuck and Betty Williams, citizens	

1. Call To Order:

Chairperson Amery called the Citizen's Transportation Oversight Committee meeting to order at 4:30 p.m..

2. Approval of Minutes, March 31, 2004

A motion to approve the minutes of the March 31, 2004 meeting was made Mr. Lykins, seconded by Mr. Rainey and passed unanimously.

3. Staff Report

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

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May 18, 2004

Bill Hayden, ADOT, reported the following information:

- In lieu of a construction update, he deferred the presentation to Perry Powell.
- The department continues its implementation of the rubberized asphalt program on various valley freeways. FNF Construction appears to be the low bidder for Phase III.

4. Overview of our Transportation Enhancement & Scenic Roads Program

Cheryl Banta, ADOT, explained the Parkways, Historic and Scenic Roads Program has been part of state law since 1982, receives \$100,000 per year for program costs and signing, and is administered by ADOT. Roads must be uniquely scenic or historic and preserve and protect intrinsic qualities. She noted there are 22 state designated routes in Arizona.

Ms. Banta reviewed the National Scenic Byways Program, which is managed by USDOT and administered through state DOTs. The program also receives strong support from the FHWA division office. The program was established in 1991 with the first transportation bill and provides two designation types, All American Roads and National Scenic Byways. There are 95 designations in 39 states, with Kaibab Plateau North Rim Parkway being the only designation in Arizona. National designation requires three things, designation by the state DOT, a corridor management plan, and a designation application. Nationally designated routes are given priority for Scenic Byway grant funds. Arizona has received about \$6 million to date, with the majority of the funds being used for studies. Funds have also been used for rest areas, welcome centers, scenic pullouts, interpretive material, and marketing.

Ms. Banta said the Transportation Enhancement Program has 12 categories of funding and distributes about \$13 million per year. Approximately 50 percent of funds are spent on DOT right-of-way, while the remaining 50 percent is spent on local government right-of-way. Transportation Enhancement Program projects must relate to surface transportation. The program has provisions for facilities for pedestrians and bicycles, safety and educational activities for pedestrians and cyclists, acquisition of scenic easements or historic sites, tourist and welcome center facilities near state designated routes, landscaping and other scenic beautification, surface transportation related historic preservation, rehabilitation of historic transportation buildings, structures or facilities, preservation of abandoned railway corridors, control and removal of outdoor advertising, archeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

The following questions and comments were made:

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

- Mr. Hayden asked for an estimate of funds used by the Byways and Enhancement programs on an annual basis. Ms. Banta responded about \$14 million. Mr. Hayden said the Enhancement program is a grassroots program dealing with aesthetics and other issues that might not otherwise be addressed through normal project implementation.

5. Status Update on State Route 85

Christ Dimitroplos, ADOT, reviewed a map of projects, noting the co-efficient assigned the various projects correspond to MAG's assigned priority level. Project 44 has a two digit number because it does not construct roadways or grading, drainage or utilities. Project 1, which was to build a southbound frontage road from MC 85 to the Gila River, advertised in the Summer of 2002 and was completed in early Spring 2003. Project 2, the Lewis Prison TI, was completed in early Spring 2003 as well. It was the only interchange to make the 12 interim MAG projects. The overall concept is to divide the roadway into a four lane divided roadway, with a minimum 46 foot median. Project 3 is under construction and will be completed in calendar year 2004. The concept north of the Gila River is to divide the roadway, with two roads serving as the ultimate frontage roads, and a mainline roadway occurring between the two roads. The interim projects south of the Gila River build the mainline; however, frontage roads are only being built where necessary to maintain access control. Project 5 is the parallel roadway north of the Lewis Prison. We originally hoped to advertise Projects 5 and 6 together; however, Project 5 lies in the Pima flood plain and requires additional mitigation and design efforts. Project 6 will advertise by June 30. Project 7 is being designed in-house by ADOT Roadway Design and will divide the roadway south of the Lewis Prison to Project 3. It was originally intended to design the roadway immediately north and immediately south of the Lewis Prison TI so as to maintain driver expectations; however, everything does not line up perfectly. Project 8 will advertise again at the end of this fiscal year and will divide the roadway from Project 3 to Watermelon Road. Projects 6 and 8 will go this fiscal year and Projects 3, 6 and 8 will be simultaneously under construction. Project 9 will go from Watermelon south to Gila Bend. Projects 11, 12 and the entire B8 section have gone back to pre-design for reevaluation because some of the paradigms and existing factors in the town of Gila Bend have changed. Some town members favor a bypass, while others believe going through the center of town is part of their livelihood. We have given them a total of six possible alternatives and we are awaiting input from the town. Overall, the 12 projects are running a total of \$150 million and the ultimate design is anticipated to be roughly double that amount. We are working closely with as many local property owners as possible.

The following questions and comments were made:

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

- Mr. Rainey asked if they have given Gila Bend a date by which a decision has to be made. Mr. Dimitroplos said a deadline has not yet been established, explaining he would like the town, through its Town Council, to provide as much input as possible with regard to a solution. Mr. Rainey also asked about the town's traffic count between the north and south points. Mr. Dimitroplos said the traffic count is much higher between I-10 and the prison than from the Prison south, however, he did not have actual traffic counts on hand.
- Mr. Ullman asked about the timeframe for completing the entire project. Mr. Dimitroplos said Projects 1 through 8 are supposed to be completed by the end of FY 2008; however, Projects 9 through 12 are currently outside the current five year program and will be completed outside that timeline. Projects 1 and 2 are already completed and Project 3 will be completed this calendar year. Projects 6 and 8 will be advertised this fiscal year.
- Mr. Crowley asked how the corridor relates to CANAMEX and what is the deadliest part of the corridor. Mr. Dimitroplos said Project 1 was the worst based on 961 and 962 statistics. Mr. Crowley stressed the need to plan the roadway for the future rather than on the wants and needs of given elected officials. Mr. Dimitroplos confirmed the corridor is part of the CANAMEX Corridor. He said it would be impossible to encompass everyone in the planning process. Mr. Crowley asked what will be done with District 5's representation on the committee.
- Mr. Ryan said MAG and ADOT's models have never really reflected what traffic counts will be when a new multi-lane highway is constructed. Current traffic counts on 85 have nothing to do with what will happen once it becomes a multi-lane divided highway; therefore, the interchanges should be much better than the interchange at I-17 and the 101L. Mr. Dimitroplos explained there is a concept of a modern count in a design year traffic count. It was impossible to estimate a traffic count for 2004 when I-17 was originally constructed and traffic counts are seldom modeled beyond 20 years. The K-factor is based on the most educated information people have at the time and using something other than the K-factor would not make sense. We typically design for the 30th highest hour.
- Mr. Hayden asked when the section from I-10 to the Lewis Prison will be completed. Mr. Dimitroplos said Project 5 is lagging with an FY 2006 bid date and construction occurring within a year after that.

6. Regional Freeway System Slide Presentation

Perry Powell, ADOT, said of the \$340 million in roadway construction, approximately \$320 is still under construction. He reviewed a map and pictures of projects on the

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

Regional Freeway System. The project at Grand Avenue and 67th Avenue was recently awarded to FNF construction, but work has not yet started. An overpass will take 67th Avenue over Grand, the railroad tracks and Northern Avenue. The Maryland/Grand Avenue project is progressing well. We are working to rebuild the Grand and 51st Avenue area because of drainage problems. All traffic is up and over Grand Avenue at 43rd Avenue, but it is restricted to two lanes until the connector ramp can be extended about 20 feet. The Quiet Pavement Program through Scottsdale is complete. Quiet pavement has been put on the westbound side of traffic in its final configuration, but we have not done quiet pavement on the westbound because restriping will have to be done in six to eight months. The Santan TI contractor was very aggressive, bidding half the time we allocated for the project. The Santan corridor flyover ramps have all been constructed.

The following questions and comments were made:

- Mr. Crowley pointed out ISTEA says existing bicycle and pedestrian facilities must be restored to their previous level of excellence. Mr. Powell said pedestrians will be afforded access at all grade level Grand Avenue interchanges and cyclists are allowed to use the shoulder. Mr. Crowley also asked about the existing bike lane on 55th Avenue. Mr. Powell offered to provide information concerning all crossings to Mr. Crowley.
- Mr. Ullman pointed out there are no projects on the freeway on the west side of the valley.
- In response to Mr. Crowley's question, Mr. Powell explained the map indicates areas currently under contract in green and those under final design in red. He said construction of an interim roadway is not being considered.
- Ms. Barker asked if ADOT considers itself an entity that supports multi-modalism. Mr. Hayden responded yes. After reading legislation that created CTOC, CTOC was supposed to be advisory to MAG and RPTA and was intended to be a means to pass citizen comments onto MAG and RPTA. She is angry because she feels citizens have been butted out by the Legislature. Multi-modal is vital to the valley's future survival. She suggested the Committee establish a more orderly way in which citizens can express their concerns or ask questions.
- Mr. Ryan said he has seen MAG fund a MAG lift study and high speed rail study between Tucson and Phoenix, but there is no true multi-modal tunnel on anyone's plans. He asked what will be done to implement the Interstate Surface Transportation Efficiency Act and what emphasis is being placed on intermodal rapid transit service. Mr. Hayden said the 85 half-cent sales tax was approved by the citizens of Maricopa County with the funding from that to be used primarily to provide an adequate freeway and expressway system and continuity throughout Maricopa County. The

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

next 20 year program is dependent on citizen support of extending the half-cent sales tax and includes 38 percent of the funds generated for multimodal services. They have initiated numerous statewide multi-modal transportation options, but they have either not been funded or the citizenry have not spoken out in support of the options. ADOT recognizes the lengthy interest and advocacy position and involvement of Mr. Crawley and Ms. Barker on a variety of multi-modal subjects, but primarily bicycles. While they may not have answered all of their questions about implementing a bicycle plan, the ADOT Bicycle Coordinator has given the Committee presentations on the bicycle plan. MAG and each city have their own Bicycle Coordinators, making coordination across the entire metropolitan area difficult. He suggested he coordinate a session at a future Committee meeting, wherein bicycle representatives from the various jurisdictions will be invited to give presentations of where they are on the subject of bicycle lanes, pathways and other related activities.

- Mr. Hayden explained ADOT has a Life Cycle Program in which they maintain a balance of revenues and construction costs. Exhaustive reports are produced semi-annually for the benefit of anyone with an interest in the construction status or financial status of the RARF dollars expended on the freeway system. Upon the suggestion of other valley multi-modal agencies, we will hold a one-day workshop on the nuances and specificity of how ADOT performs its Life Cycle Program. CTOC members will be invited to attend.
- Mr. Ryan said the problem is that the money coming in is behind the curve and, while ADOT is to be commended for their approach, Eric Anderson was unable to answer his question as to what will be needed over the next 20 years. Perhaps a $\frac{3}{4}$ cent sales tax is needed to take care of the needs of the northwest quadrant of Maricopa County. I hope CTOC will encourage MAG to have a parallel picture of what is needed to satisfy freeway needs and that the condemnation law is changed so that they do not pay landowners what the land will be worth after the highway is constructed.

The meeting recessed for a short break.

7. Call to the Public

Joe Ryan, citizen, said this is in response to a request to the CTOC chairman for written documentation of possible violation of investment and accounting practices related to the promotion of Transit 2000. During the CTOC meeting two meetings ago, Chairperson Arnett asked for written documentation as to what might be irregular expenditures and accounting related to the March 14, 2000 special election on transportation funding in the City of Phoenix. Given the amount of time spent preparing

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

the documentation and that a Valley Metro Rail employee was allowed to make a 15 minute presentation at a previous meeting, he believes he should be afforded more time to make his presentation. The reply covers such issues as whether or not a government entity can spend local, state or federal tax dollars to influence the outcome of an election; whether or not a foreign owned company can expend its own funds to influence an election to indirectly gain management fees that would be paid for with federal, state or local tax dollars; and whether or not a government or its vendor of services can miscode the expenditure of funds contrary to generally accepted accounting principles to hide the true picture of what is received for an expenditure. During the 1990's, the City of Phoenix, MAG, and other employees spent tax dollars promoting the future operation of light rail vehicles operating only at grade level. Street cars were selected to be the vehicle of choice for the MPO's region, which, for the most part, is Maricopa County. At MAG open houses in Phoenix, Tempe, Mesa and Glendale, the public was told and shown pictures of light rail vehicles that would provide a rapid transit alternative for residents of the MPO region. Exhibit A-1 contains some of the presentations he made, showing why street cars in the middle of county streets would not achieve the objectives of the FDA's New Starts program, reducing traffic congestion, reducing air pollution, making the transportation infrastructure more efficient, and providing new economic benefits for land use. None of the major street car manufacturers in Europe, North America or Asia had a design speed of 65 mph. Street cars were designed to travel at 55 mph, despite MAG's claims that they would travel 65 mph. He urged the Committee to read his document and attachments.

Diane "D.D." Barker, citizen, submitted written comments, asking that CTOC forward a copy to MAG. She asked how MAG justifies the fiscal accounting of Valley Metro's projects in completing its Light Rail on the MAG TIP. A review of their 2004/05 budget indicates city deposits totaling \$700,000, but a budget for Valley Metro Rail Inc. of \$140 million to \$300 million. They will be chasing a lawsuit and do not know what their exposure will be. They also have unbilled money from Phoenix, which is paying three times more than Mesa and Tempe. There is supposed to be an independent consultant auditor, however Deloitte and Touche is not independent in the citizen's mind. When will MAG provide EPA with the results of the PM Analysis of the project? Reducing pollution is a TIP transportation control measure, yet they failed to rate the project a Congestion Management Score. She submitted hard copies of the 1994-1996 House discussions that established the CTOC. At that time, Legislators were very concerned about MAG and RPTA not listening to the public. Then, in 1996, they moved away from watching the RPTA and decided simply to allow citizens to comment on the freeway system. MAG is saying CTOC is a voting member of MAG TPC because it is on HB2456, however, 2299 is what initially passed; therefore, she questions whether Chairperson Arnett is a legal voting member. There are a lot of conflicts of interest in transportation and she would like to see CTOC adhere to the law. Citizens will be at ASU Downtown on Monday to discuss transportation and the November 2 ballot. She

CITIZEN TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation Board Room 145-147

206 South 17th Avenue

Phoenix, Arizona 85007

May 18, 2004

referred to Page 3 of the document she was sent from CTOC, stating it shows they are concerned about light rail.

William “Blue” Crawley, citizen, stated, despite numerous requests, he has yet to receive copies of the documentation CTOC members receive. He clarified a statement in the previous minutes, stating his position that putting light rail in the state right-of-way will prevent the state from having to pay for it twice. CTOC is the Citizens Transportation Committee, not the Citizens Freeway Committee, and it needs to start doing its job correctly. As he previously requested, he would like a response as to what the legislation’s affect would be on CTOC if it did not pass in November. CTOC is supposed to be advisory to the Legislature; however, how can it advise the Legislature when it only meets once in March. How does the Committee communicate to the Legislature and the Board. Chairperson Arnett breaks the law every time he goes to the MAG dinner.

8. Next Scheduled Meeting –Thursday, July 22, 2004, Arizona Department of Transportation Board Room 145-147, 206 South 17th Avenue, Phoenix, Arizona.

9. CTOC Member Reports –

No comments were made.

10. Closing comments and Adjournment:

Chairperson Amery complimented presenters on their presentations. He also commended the members of the public who spoke for having their comments prepared.

Meeting adjourned at 6:35 p.m.